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47973	7590	04/16/2009

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SALT LAKE CITY, UT 84111

EXAMINER
ZELASKIEWICZ, CHRYSTINA E

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 04/16/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,591	01/28/2004	Ling Tony Chen	13768.810.64	3864

TITLE OF INVENTION: ARBITRATION SERVER AND METHOD OF ARBITRATING ONLINE GAME RESULTS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1510	$0	$0	$1510	07/16/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

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If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

_____ (Depositor's name)

_____ (Signature)

_____ (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,591	01/28/2004	Ling Tony Chen	13768.810.64	3864

TITLE OF INVENTION: ARBITRATION SERVER AND METHOD OF ARBITRATING ONLINE GAME RESULTS

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nonprovisional	NO	$1510	$0	$0	$1510	07/16/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
ZELASKIEWICZ, CHRYSTINA E	3621	705-080000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

   ❏ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

   ❏ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

   (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

   (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

   1 _____

   2 _____

   3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

   PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

   (A) NAME OF ASSIGNEE   (B) RESIDENCE: (CITY and STATE OR COUNTRY)

   Please check the appropriate assignee category or categories (will not be printed on the patent) : ❏ Individual ❏ Corporation or other private group entity ❏ Government

4a. The following fee(s) are submitted:

   ❏ Issue Fee

   ❏ Publication Fee (No small entity discount permitted)

   ❏ Advance Order - # of Copies _____

4b. Payment of Fee(s): **(Please first reapply any previously paid issue fee shown above)**

   ❏ A check is enclosed.

   ❏ Payment by credit card. Form PTO-2038 is attached.

   ❏ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

   ❏ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.   ❏ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

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Typed or printed name _____   Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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3621	

DATE MAILED: 04/16/2009

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1141 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1141 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101   or (571)-272-4200.

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

	Application No.	Applicant(s)
Notice of Allowability	10/766,591	CHEN ET AL.
	Examiner	Art Unit	
	CHRYSTINA ZELASKIEWICZ	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *Request for Continued Examination filed on February 25, 2009*.

2. ☒ The allowed claim(s) is/are *1,2,4-6,10-17,19-21 and 25-28*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some*   c) ☐ None   of the:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

        3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the
            International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF
    INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

        1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____ .

    (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of
        Paper No./Mail Date _____ .

    **Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of
    each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the
    attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☒ Information Disclosure Statements (PTO/SB/08),
    Paper No./Mail Date <u>February 25, 2009</u>

4. ☐ Examiner's Comment Regarding Requirement for Deposit
    of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☐ Interview Summary (PTO-413),
    Paper No./Mail Date _____ .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

Examiner's Amendment

1.   An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. §1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2.   Authorization for this examiner's amendment was given in a telephone interview with Jens Jenkins on April 6, 2009. Please note that Applicant's previous amendment submitted on February 25, 2009 was entered.

3.   The application has been amended as follows:

Claim 1. (Currently Amended) In a computing environment comprising an online game service and a plurality of online game players playing a game at remote client computers that are connected to the game service, a method for automatically arbitrating at the game service a disputed outcome because of inconsistent game outcomes reported to the game service by the plurality of players, the method comprising steps of ~~for~~:

requiring, at the game service, at the beginning of an online game session and prior to beginning the game, each of a plurality of players to register with an arbitration server at the game service;

retaining ~~so that in the event of any subsequent disconnect from the game session~~ a record ~~is retained~~ at the game service of each player that agreed to play at the beginning of the game session irrespective of whether each player finished the game session;

creating and storing at the game service a unique ID at the beginning of a game session for that session so that each registered player for that game session is identifiable as to that game session;

determining, at the conclusion of the online game session played by the plurality of registered players, results for the game session independently at each client computer of the plurality of registered players which remains connected to the game service;~~,~~

recording ~~such that~~ the outcome of the game session with respect to all registered players ~~is recorded~~ ~~from the perspective of~~ independently at each connected client computer;~~,~~

~~thus~~ creating a plurality of independent ~~and potentially inconsistent~~ records of the same game session;

receiving reports at the gaming service at the conclusion of the online game session played by the plurality of registered players from at least two client computers from the plurality of the registered players, each report received from a registered player including the outcome of the game session for all registered players, as independently determined by the client computer of the registered player;

comparing, automatically at the game service, the results of all reports submitted to the game service to determine if any inconsistency exists in the outcome of the game session based on the results that were reported;

declaring, if the game service determines that no inconsistency exists between the reports submitted to the game service, and if results are reported by all of the registered players, the outcome of the game session based on the results found in the submitted reports; and otherwise,

applying at the arbitration server of the game service, if either an inconsistency exists in the results that were reported or if not all of the initially registered players for the game session submitted a report at the end of the game session, a predefined set of arbitration rules using any previously determined trust ratings stored at the game service for any of the registered players to determine the official results for the game session; and

updating at the game service a trust rating for each of the registered players, based on events relating to how the game was played by each registered player, irrespective of whether a report was submitted by a player or not.

Claim 2. (Previously Presented) The method of Claim 1, wherein each submitted report indicates whether connectivity to another client was lost during the game session.

Claim 3. (Cancelled)

Claim 4. (Currently Amended) The method of Claim 2, wherein ~~if the submitted reports indicate that connectivity was lost with another client used by a player who registered, and the other client did not report results,~~ the arbitration rules ~~will~~ determin~~e~~ing that the client not reporting results simply

disconnected and stopped participating in the game session before its completion~ when the submitted reports indicate that connectivity was lost with another client used by a player who registered, and the other client did not report results.

Claim 5. (Currently Amended) The method of Claim 2, further comprising a step for of enabling a player that is unable to communicate with the gaming service using a preferred communication protocol because said player is being subjected to packet bombing, to instead employ at least a limited transmission to the gaming service using an alternative communication protocol that is unaffected by the packet bombing, said arbitration rules treating the limited transmission as an indication that said player may have been unable to communicate with the gaming service and other players with the preferred communication protocol as a result of the packet bombing.

Claim 6. (Previously Presented) The method of Claim 1, wherein a report from a player may indicate whether any event or condition was noted for a specific other player that is outside predefined parameters for play of the online game, where said event or condition shows that the specific other player is executing a modified online game.

Claim 7. (Cancelled)

Claim 8. (Cancelled)

Claim 9. (Cancelled)

Claim 10. (Currently Amended) The method of Claim 1, further comprising a step for of updating a state of the game session that is stored by the gaming service when determining the official results by applying the arbitration rules.

Claim 11. (Currently Amended) The method of Claim 1, wherein the arbitration rules determine that a network filter was or was not applied by at least one player ~~if~~ <u>when</u> the reports received by the gaming service include conflicting results for the game session.

Claim 12. (Currently Amended) The method of Claim 1, further comprising a step ~~for~~ <u>of</u> initially applying a predefined time interval for the game session, after which the gaming service will not consider any reports received from a player when determining the official results of the game session.

Claim 13. (Currently Amended) The method of Claim 12, further comprising a step ~~for~~ <u>of</u> enabling the players to request an extension of time for the predefined time interval, ~~if~~ <u>when the</u> additional time is required to complete the game session.

Claim 14. (Currently Amended) The method of Claim 1, further comprising a step ~~for~~ <u>of</u> requiring that the online game report the results of the game session after the game session is over, for all registered players for the game session.

Claim 15. (Previously Presented) A memory medium that stores an executable computer program that is tangibly embodied on a computer readable medium, for carrying out the steps of Claim 1.

Claim 16. (Currently Amended) A server computing device used in an online gaming service for determining official results when the outcome for a game session of an online game that is played by a plurality of players is in dispute, each player using a client computing device connected to the online gaming service, wherein each client computing device executes the online game, the server computing device comprising:
a memory used for storing machine instructions;

a network interface that couples the server computing device in communication with client computing devices participating in the game session;

a processor that is coupled to the memory and to the network interface, said processor ~~executing the~~ ~~machine instructions to carry out a plurality of functions, including:~~ programmed to perform the following instructions:

requiring, at the game service, at the beginning of an online game session and prior to beginning the game, each of a plurality of players to register with an arbitration server at the game service;

~~so that in the event of any subsequent disconnect from the game session~~ retaining a record ~~is retained~~ at the game service of each player that agreed to play at the beginning of the game session irrespective of whether each player finished the game session;

creating and storing at the game service a unique ID at the beginning of a game session for that session so that each registered player for that game session is identifiable as to that game session;

determining results for the game session independently at each client computer of the plurality of registered players which remains connected to the game service at the conclusion of the online game session;

recording the outcome of the game session with respect to all registered players independently at each connected client computer;

creating a plurality of independent records of the same game session;

receiving reports at the gaming service at the conclusion of the online game session played by the plurality of registered players from at least two client computers from the plurality of the registered players, each report received from a registered player including the outcome of the game session for all registered players, as independently determined by the client computer of the registered player;~~,~~

~~wherein results for the game session are determined independently at each client computer of the~~ ~~plurality of registered players which remains connected to the game service at the conclusion of the~~ ~~online game session, such that the outcome of the game session with respect to all registered players is~~ ~~recorded from the perspective of each connected client computer, thus creating a plurality of independent~~ ~~and potentially inconsistent records of the same game session;~~

comparing, automatically at the game service, the results of all reports submitted to the game service to determine if any inconsistency exists in the outcome of the game session based on the results that were reported;

declaring, if the game service determines that no inconsistency exists between the reports submitted to the game service, and if results are reported by all of the registered players, the outcome of the game session based on the results found in the submitted reports; and otherwise,

applying at the arbitration server of the game service, if either an inconsistency exists in the results that were reported or if not all of the initially registered players for the game session submitted a report at the end of the game session, a predefined set of arbitration rules using any previously determined trust ratings stored at the game service for any of the registered players to determine the official results for the game session; and

updating at the game service a trust rating for each of the registered players, based on events relating to how the game was played by each registered player, irrespective of whether a report was submitted by a player or not.

Claim 17. (Previously Presented) The server computing device of Claim 16, wherein each submitted report indicates whether connectivity to another client computing device was lost during the game session.

Claim 18. (Cancelled)

Claim 19. (Currently Amended) The server computing device of Claim 17, wherein ~~if~~ when the submitted reports indicate that connectivity was lost with another client used by a player who registered, and the other client did not report results, the arbitration rules ~~will~~ determine that the client not reporting results simply disconnected and stopped participating in the game session before its completion.

Claim 20. (Currently Amended) The server computing device of Claim 17, wherein the machine

instructions executed by the processor further cause the processor to ~~detect a transmission from a client~~ ~~computing device using a less preferred communication protocol, and to determine that said client~~ ~~computing device is using the less preferred communication protocol because said client computing~~ ~~device is being subjected to packet bombing, wherein the less preferred communication protocol is~~ ~~unaffected by packet bombing, said arbitration rules treating the transmission as an indication that said~~ ~~client computing device may have been unable to communicate with the gaming service and other client~~ ~~computing devices with a preferred communication protocol because of the packet bombing.~~ <u>enable a</u> <u>player that is unable to communicate with the gaming service using a preferred communication protocol</u> <u>because said player is being subjected to packet bombing, to instead employ at least a limited</u> <u>transmission to the gaming service using an alternative communication protocol that is unaffected by the</u> <u>packet bombing, said arbitration rules treating the limited transmission as an indication that said player</u> <u>may have been unable to communicate with the gaming service and other players with the preferred</u> <u>communication protocol as a result of the packet bombing.</u>

Claim 21. (Original) The server computing device of Claim 16, wherein a report indicating that an event or condition was noted for a specific other client computing device that is outside predefined parameters for play of the online game enables the server computing device to determine that the specific other client computing device is executing a modified online game.

Claim 22. (Cancelled)

Claim 23. (Cancelled)

Claim 24. (Cancelled)

Claim 25. (Original) The server computing device of Claim 16, wherein the machine instructions

further cause the processor to update a state of the game session that is stored in the memory, when determining the official results by applying the arbitration rules.

Claim 26. (Currently Amended) The server computing device of Claim 16, wherein the arbitration rules determine that a network filter was or was not applied by at least one player ~~if~~ <u>when</u> the reports include conflicting results for the game session.

Claim 27. (Original) The server computing device of Claim 16, wherein the machine instructions further cause the processor to apply a predefined time interval for the game session, after which the server computing device will not consider any reports received from a client computing device when determining the official results of the game session.

Claim 28. (Currently Amended) The server computing device of Claim 27, wherein the machine instructions further cause the processor to enable any of the client computing devices to request an extension of time for the predefined time interval, ~~if~~ <u>when the</u> additional time is required to complete the game session.

Claim 29. (Cancelled)

Claim 30. (Cancelled)

Claim 31. (Cancelled)

Reasons for Allowance

4.   Regarding the claimed terms, Examiner notes that a "general term must be understood in the context in which the inventor presents it." *In re Glaug*, 283 F.3d 1335, 1340, 62 USPQ2d 1151, 1154 (Fed. Cir. 2002). Therefore, Examiner must interpret the claimed terms as found on pages 1-32 of the

specification. Clearly almost all the general terms in the claims may have multiple meanings. So where a claim term "is susceptible to various meanings... the inventor's lexicography must prevail." *Id*. An exception to this rule is where "means for" language is used. Using these definitions for the claims, the claimed invention was not reasonably found in the prior art.

5.   The closest prior art of record is Leen et al. (US 2003/0050114), Lavanchy et al. (US 6,758,754), Zucker et al. (US 6,468,155), and Buchegger (US 2003/0163729).

6.   The prior art of record discloses a conventional system and method for providing game results to a user of a gaming application.

7.   The prior art of record, however, does not teach at least these elements of claims 1 and 16:

        a.   Determining, at the conclusion... gamer service;

        b.   Recording the outcome... client computer;

        c.   Creating a plurality... game session.

8.   Yet even if the missing claimed elements were found in a reasonable number of references, a person of ordinary skill in the art at the time the invention was made would **not** have been motivated to include these missing elements in an embodiment of the prior art disclosures because traditionally a gaming service does not receive from each client computer the results for all the registered players as independently determined by each client computer.

9.   Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

10.   Product claim 16 is *not* a hybrid claim because in order to anticipate/infringe, the reference/infringer must be in possession of the claimed "server computing device." Therefore performance is not required because "requiring" is not actually performed. In other words, as long as the claimed "processor" is *programmed to* perform the "requiring" steps (and the other claimed steps) and the reference/infringer is in possession of the claimed *programmed* processor, the embodiment would anticipate/infringe.

Conclusion

11.   Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to Chrystina Zelaskiewicz whose telephone number is 571.270.3940. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew Fischer can be reached at 571.272.6779.

12.   Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://portal.uspto.gov/external/portal/pair <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866.217.9197 (toll-free).

/Chrystina Zelaskiewicz/
Examiner, Art Unit 3621
April 6, 2009

/ANDREW J. FISCHER/
Supervisory Patent Examiner, Art Unit 3621